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ANNUAL REPORT

OF THE

GAME COMMISSIONERS

OF THE

STATE OF PENNSYLVANIA,

ALSO A REPORT OF THE

CHIEF GAME PROTECTOR

TO THE COMMISSION

FOR

THE YEAR 1908.

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# REPORT

OF THE

## BOARD OF GAME COMMISSIONERS.

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To His Excellency, Edwin S. Stuart, Governor of Pennsylvania:

Sir: In compliance with the act of June 25, 1895, creating the Board of Game Commissioners of this Commonwealth and prescribing its duties, we herewith respectfully submit to you our report of work done through and under our direction during the year intervening between November 1, 1907, and November 1, 1908; and that you may the more thoroughly understand the situation and grounds upon which this report is based, we attach hereto a copy of the report of our Secretary for the same period.

From what we have been able to gather from this and other reports made to us, and from a personal examination made in different parts of the State, we feel satisfied that song and insectivorous birds of all kinds, classed as wild birds other than game birds are increasing in this State, and the benefit to the Commonwealth from this increase from an economic point of view is most marked.

Game birds appear to have increased very materially in many sections of the Commonwealth. Ruffed grouse are more plentiful than the apparent scarcity of old birds last fall and spring gave promise of.

Turkeys have had a good hatching season, and in sections of the State, where they are found at all, are more plentiful than usual. Quail appear to have increased all over the State and in some sections appear to be quite plentiful. There is no doubt whatever

about the very material increase of deer, and bear and rabbits, in that territory, whereon they are located. Through this increase of game, we feel that an incentive to outdoor exercise and recreation is supplied that cannot be secured through any other process. An experience in camp life, and in handling and caring for fire arms is secured that is of very great worth to our citizens, who indulge in hunting, through which they, as individuals, secure better health, and are therefore, better fitted to fill the place allotted to each in his respective community. These things together, better health, and therefore, better citizenship, joined to experience in camp life, and in the handling of fire arms, appear to us of great value to the State and to the Nation, as they surely raise our standard of defense in time of trouble, in the shape of war, either from within or from without—far above that of any people who do not hunt. We feel that the presence of game is of great value to the State, and that hunting is a necessary adjunct to our National success, and that, therefore, the State owes it to itself to provide some method, whereby game can be increased, either through additional protection, through the raising of game of different varieties in captivity for distribution, or through its purchase for the same purpose from those who have raised it in captivity.

We endorse the idea of a codification of our game laws, so that all may be placed under a single title, and the elimination of many laws now found upon our books, that tend more to perplex and annoy hunters, than to benefit the cause of protection to our game. We believe in making these laws plain, clear and direct, and insofar as possible subject to a single interpretation only. We recommend the passage of an act of this character by our coming legislature.

We believe that the game season, as now found upon our books, because of their early date in this Commonwealth are not suited to many sections of our State, and are not in accord with the ideas of the great majority of our hunters. We believe that the danger of forest fires in the early fall is a serious menace to the effort now being made to reforest our State, and for these joint reasons think the season for the taking of all game, excepting wild water fowl and shore birds, should open on the first day of November, and should close not later than the 15th of the December following in any case. In the majority of cases we feel that an open season covering the month of November is sufficient. Through this shortening of the season we believe our game will be increased in sections where at present such game is found at all. We recommend the passage of a law of this character.

We call your special attention to the facts as they were developed at the trial of Rocco Racca, the Italian tried and convicted last Sep-



tember at Newcastle, Lawrence county, for the murder of Seely Houk, one of our Game Protectors. From these facts it appears beyond a reasonable doubt, that the organization of ill-repute, known in Italy as the Mafia, and in America, as the Black Hand, has secured a lodgement upon our shores, and that while these facts come to you through us, because of the killing of one of our officers, they are nevertheless of deep and vital importance, and affect not only this Board, but the welfare of the entire Commonwealth and of the Nation. From the facts produced, it appears this organization is formed for mutual protection, that its members are sworn under pain of death, to protect and defend and assist one another in all things; and that this protection extends to and covers even those charged with the commission of murder. From data we have been able to collect relative to action upon the part of that class of residents within our State known as the unnaturalized foreign born resident, not only to kill our game and song birds at all times without regard to our laws, and their disposition to resort to acts of violence in the settlement of trivial disputes and controversies, which said disposition is a most serious menace to the peace and happiness of every community of this Commonwealth, wherein these people reside, and is extremely expensive to those of us who are native born or naturalized residents, upon whom the weight of taxation falls, we feel that the power to do evil as far as possible should be taken from these people, and that the bill presented under our direction to the Legislature of 1907, through which the right to even own or be possessed of a gun in this Commonwealth should be denied the unnaturalized foreign born resident, should be again presented to our Legislature, and every effort possible in conformity with right and justice be exerted to secure its passage.

We feel that the cause of game and wild bird protection is of the utmost value to every individual, and every community in this State, and is deserving of generous support at the hands of the Commonwealth; and that the appropriation given to the Board of Game Commissioners should be increased to meet the demands made upon them in the line of protection through the enforcement of our laws, and that in addition to this appropriation for this purpose an amount of not less than \$20,000 should be made for the purpose of purchasing new varieties of game, that would be adapted to our climate, of setting apart additional game preserves, and of restocking our State with game from whatever source might be the most available.

We believe the appropriation made by the last Legislature for the purpose of paying bounties on obnoxious animals was well ex-



pending, and recommend the passage of a second act upon this subject carrying with it additional appropriation for that purpose.

We call your attention to the financial statement as made to us by our Secretary.

Respectfully yours,

JAMES H. WORDEN,

President.

C. K. SOBER,

WM. HEYWARD MYERS,

C. B. PENROSE,

JOHN M. PHILLIPS,

ARTHUR CHAPMAN,

Board of Game Commissioners.

REPORT  
OF THE  
CHIEF GAME PROTECTOR  
TO THE  
GAME COMMISSION  
OF THE  
STATE OF PENNSYLVANIA FOR 1908.

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Harrisburg, Pa., November 1, 1908.

To the Honorable, Board of Game Commissioners of Pennsylvania:

Gentlemen: I herewith submit my report to you of the work done personally and by those under my direction, during the time intervening between December 1, 1907, and November 1, 1908. This report considers only the work done by the Commission through its officers.

I take special pleasure in making report to you at this time of conditions relative to both game and wild birds other than game birds and to make suggestions relative to recommendations by the Board of Game Commisisoners pertaining to changes in the game laws of this State, that I am confident have the approval of the great majority of all people, no matter whether they be hunters or not, and that would not have been approved, even so short a period as one year ago. In this particular, I refer especially to the feeling I find everywhere manifest of giving additional protection to all wild birds other than game birds, because of the value of their life work and also of shortening the open season during which game birds or game animals may be killed, also making that open season as uniform as possible.

Up to two or three years ago at the outside, the general idea entertained by the public regarding the work of the Game Commission, was that, as its title seemed to indicate, it was composed solely of sportsmen, whose chief objective point was to increase the different species of game found in the Commonwealth for the benefit and pleasure of other sportsmen and for no other purpose. Many of our people have already learned that this is not the purpose of the Game Commission or of the sportsmen who are aiding and assisting us in our work. Many of our people have already learned that the idea they had first formed regarding our work and their first impression that our purpose was to increase said game to facilitate its killing was incorrect, and was but an incident to the far greater work of protection to our birds of all kinds, game as well as other birds, because of the value of their life work—a value that cannot be expressed in words or figures. Many of our people have already learned—some of them through unpleasant experiences of having been compelled to pay for violating our game laws—that it is as much the duty of this Commission to see to it that our officers go as far to give protection to a blue bird, or a robin, or a wren, as they would to give protection to a wild turkey, to a deer, or to any other species of game. Many hunters of the State and others from outside the State are also learning to understand that this Board was created for protective purposes, and it not a bureau of information to those who desire to know where game can best be found. Many of our people are learning to understand the value of bird life, to understand what that value means to each one of us to them as individuals, to the State and to the Nation, with the result that a far better feeling exists to-day regarding the Game Commission and its work, than ever before in the history of Pennsylvania; and as a consequence of this feeling legislation can be secured to-day that would have met with the most serious opposition a short time ago. The Secretary of Agriculture at Washington estimates the loss to growing crops in the United States through the ravages of insects at more than \$400,000,000 annually. Prof. Surface, our State Economic Zoologist tells me, that in his opinion this world would not be inhabitable by man at the end of twenty years, because of the ravages of insect life, if such insects were not curbed in some way. Dr. W. T. Hornaday, one of the great Naturalists of the world, and Director of the Zoological Park of New York City, among other things says: “It will indeed be a sad day for the American farmers, when the last insectivorous bird is brought dead and fluttering to the ground. Then will he, if never before, realize the value of the allies he has lost. When the hundreds of millions of insects multiplied by hundreds of millions advance unchecked, then will be, if

never before, be willing to exchange any quantity of fruit or berries for one single pair of the much despised robin, or catbird, or other birds, gone forever."

Dr. Warren, one of our ex-State Zoologists says: "The great majority of our birds feed their young entirely upon insect life, and asserts that the young birds of these kinds consume daily a quantity of animal food, equal in amount to its own weight. To illustrate let me say: Pennsylvania in round numbers contains 28,800,000 acres. Place but a single nest containing four young birds upon each acre. Say that each bird weighs but one-half of an ounce, making two ounces of insects consumed to each acre, one pound to every eight acres, one hundred pounds to 800 acres, one ton to 16,000 acres. This amount goes into 28,800,000, the number of acres contained in Pennsylvania 1,800 times. In other words it requires 1,800 tons of insects at this rate to feed the birds of Pennsylvania one single day. Think of it. One can readily understand what is meant, when the assertion is made that this world would not be inhabitable within a limited time were insects not curbed in some way. Not one person, I believe, attempts to claim that birds alone are responsible for the destruction of insect life. Nor that to them alone do we owe the right to exist in this world. We do attempt to claim, that the work of our birds goes a long way toward maintaining the balance between vegetation and insect life and that it would be hard, if not absolutely impossible to maintain this position in any other way. Those who have made a study of birds tell us, each order, each family, each division of the bird world is doing a work in a place peculiar to itself, a work that it was especially created to do, and that is not done to any great extent by any other bird. Some birds live and do their work upon the ground. Some live almost exclusively in the trees. Some spend their time in and around the waters, some in the open fields, some in the dense thicket and some spend the greater part of their time upon the wing, and feed entirely in the air. Each one in its place doing the work that no other bird attempts to do or can do.

For instance, the night hawk or bull bat lives almost entirely upon the wing and consumes vast numbers of flying insects harmful to man. It does no harm in any way, not even destroying a single blade of grass, or a feather, or a hair in building its nest, for it builds no nest, but lays its eggs on some hard bare warm surface, such as the top of a rock, or a bare spot on high ground, or on a tin roof of a house. The swallow, the martin, and the fly-catcher feed almost exclusively on the wing. Each of them takes and destroys vast hordes of flying insects harmful to human beings. Woodpeckers, excepting the flicker, take the majority of their food



upon the sides of trees after vigorously tearing and casting aside pieces of bark or wood under which insects have taken refuge. The greater part of the food of the flicker is taken upon the ground. This bird being the most terrestrial of all woodpeckers, takes the majority of its food upon the ground, and in many instances this food is composed of ants. These last named insects doing a work harmful to mankind that is understood by but few of our people. I am told the ant is the great protector of the plant louse, an insect whose life work results in a loss to agriculture that cannot be correctly expressed in words or figures. The ant carries the egg of the plant louse below the frost line in winter time. In spring he brings the young louse out and places it upon the plant, carrying it from point to point on the plant, as the strength of that plant is consumed, getting in return from the louse what is called honey dew. Just as the farmer keeps a herd of cattle for their return of milk, so the ant keeps a vast herd of plant lice for the returns they give. When ants are destroyed the plant louse either falls a victim to its natural enemies, or dies of starvation, it being almost incapable of locomotion. The special work of the cuckoo and the Baltimore oriole seems to be the destruction of the caterpillar, especially the kind known as the hairy caterpillar, and when these insects abound the stomachs of the cuckoo and the oriole appear to be covered with a hairy growth, which in fact are the hairs found upon the caterpillar, that have penetrated the lining of the stomachs of these birds, and remain thus fastened until the juices of the stomach have digested them—a condition that in any other stomach, either bird or man, would surely cause inflammation and death. The dove, the robin, the meadow lark, and many other birds, even the humming bird do a special work in its own peculiar place, invaluable to man, that is not done to any great extent by any other bird. Many of our people are learning or have learned these facts and as a consequence are giving protection to our birds to a degree never accorded them before.

#### PUBLIC SENTIMENT.

The destruction of birds' nests and the killing of wild birds other than game birds through the use of various methods formerly practised by the small boys has almost been abandoned. The killing of birds of this same class by irresponsible men and half grown boys through the use of guns to a great extent been done away with, simply because they know public sentiment does not to-day endorse such procedure. Many people who a few years ago never gave the question of bird protection so much as a fleeting thought are now taking an active interest in bird preservation, thereby making pos

sible the punishment of offenders, that formerly and without this change of feeling could not have been accomplished. I feel perfectly safe in saying, that without public sentiment behind our work, that work will surely be ineffective and go for naught. With reasonable, fair and just laws upon our books relative to these subjects, and a fair, reasonable and just enforcement of the law. We have the tacit endorsement of every fairminded citizen of the Commonwealth, and the active positive help through words and deeds of many individuals in every community, that we would not have, and could hope to secure in any other way. How to draft laws bearing upon the subject of game protection that will be reasonable and just to all sections of the Commonwealth has heretofore been a most perplexing question. Our State is so formed and so located, that vegetation in the spring time starts fully ten days earlier on the southern tier than in the northern tier of counties, and the reverse has been about the rule of the fall. Our Constitution forbids special or sectional legislation. One law must apply to the entire State upon each subject. In giving absolute protection as in the case of song and insectivorous birds there is no trouble, but in matters pertaining to an open and a closed season for game, especially where the game in question is migratory, as for instance is the woodcock, the proposition is quite different. It does appear to me though that sportsmen are much more nearly agreed upon a uniform season to-day than ever before in the history of this Commonwealth. They are united upon the proposition, advanced years ago by this Board, that it was wrong for many reasons to allow the hunting of birds after the ground is covered with snow. And because of the disposition of many men who hunt to kill whatever might be found, while they are hunting, it was thought best to close the open season for game of all kinds at one and the same time. Many sportsmen who believe in protection and preservation are advocating the idea of shorter seasons for all game birds and an absolute uniform season for such game birds as are not migratory, such as the ruffed grouse, the wild turkey, and the quail, also for all animals, classed as game in this Commonwealth. **The** great destruction of our forests, as suffered this fall through fires has also brought the thinking sportsman to a consideration of the question as to whether or not the value of woodcock, or the right of any man to hunt anywhere in Pennsylvania at a time, when through but slight carelessness or negligence fires would be probable, could be weighed in the balance as against the loss to all the people of the State through the ravages of forest fires, though the destruction of game, as well as of growing timber, has brought them to the consideration of the question as to whether or not for the single purpose alone of keeping

hunters out of the woods as much as possible, thereby lessening the possibility of forest fires, it would not be well to limit hunting to such a time as the leaves in all probability will be wet from fall rains, and fire be almost impossible. Whether or not the question of forestry preservation does not outweigh all other questions connected with hunting, and that it would be well for this reason, if for no other to make the season for all game found in our fields and forests uniform and to open that season upon the first day of November, extending it if necessary to the 15th of December, if the month of November alone be considered too short. The codification of the game laws of this State, placing every provision of our law, relative to this subject under a single title is very strongly advocated in various parts of the Commonwealth. A measure of this kind has already been considered and passed upon by the organized sportsmen of the State, and is herewith presented to you for consideration. The only difference between my ideas as before set forth, and this bill being that the season for certain game, namely the woodcock, squirrel and ruffed grouse, is opened on the 15th of October instead of the 1st day of November. I endorsed this October idea last May, because of what I considered fairness and justice to sportsmen residing in our northern tier of counties but the terrible destruction wrought by forest fires since then has led me to endorse a later and uniform season for all game that is found in our forests.

### WILD BIRDS OTHER THAN GAME BIRDS.

Wild birds other than game birds have very materially increased during the past year. This fact is so evident that I need not dwell upon it.

### GAME BIRDS.

Upon this subject I am able to make more favorable report than was made at this same period last year. Ruffed grouse appear to have increased materially this summer, as have wild turkeys and quail. In almost every section of the State I have had occasion to visit I have seen large flocks of domestic turkeys. The presence of these birds to my mind being a sure indication of favorable conditions during the spring and early summer, not only for these birds, but for all ground nesting birds. Weather favoring the hatching and rearing to maturity of the ordinary domestic turkey is beyond question favorable to all other birds. Another factor resulting in benefit to our bird life as well as game is the destruction of vermin, such as weasels, minks, wild cats and foxes, brought about through the passage of the Kiess Bounty Law and the intelligent work of



the many agents of this Commission and many sportsmen. Also the absence of forest fires in the spring time. Data collected from many parts of the State shows the presence of ruffed grouse in numbers. The very generous increase of wild turkeys in sections where they found at all, and the presence of quail in localities and in numbers that has led to considerable arguments and discussions regarding the disposition of the quail to migrate from one section of this country to another, as do the woodcock. Quail have appeared this spring in sections of the State, where no such birds have been heard or seen for several years. The number in which they have appeared has led to the question, Where do they come from? And is it not possible that quail migrate long distances, as do some other birds? When this Board introduced quail from Alabama three years ago I was frequently told by men who claimed to have had extended experience, that my efforts were labor lost; that the birds imported will surely disappear with the coming cold weather. In some instances this was the case, while in others the birds released, with their increase, stayed right where they were placed. They have continued to so stay, and increase and have spread so that to-day quail are found in territories where no such bird was found for years prior to their importation by this Board. In some instances I admit they did shift from one section to another section of the State sometimes travelling miles, but I am not convinced that they ever migrate in the true sense of that word. I desire at this time to call attention to the well known fact that but few states, now permit the exportation of quail for any purpose and that quail everywhere seems to be scarce and the prices are high. That, therefore, it is, to use a common expression, up to us, to preserve our own birds, if we hope to have any in the future. I have, therefore, issued a circular, upon this subject, entitled "Save Our Birds," a copy of which I herewith attach, recommending the trapping of and caring for quail during the winter months with the best methods in my opinion of doing this profitably and of securing the best results through their release in the spring time.

#### BOUNTY LAW.

I sincerely believe that no law found upon our statute books has done more good for the cause of game and wild bird protection than the bounty law, passed by our Legislature in 1907. The passage of this measure in my opinion having been made possible only by the energetic actions of Mr. Kiess of Lycoming county, who introduced this bill, and I sincerely hope it may be at least renewed, if

not doubled in the amount of appropriation it carried for that purpose. I have among my acquaintances and among the many citizens of this State who are helping to maintain the laws relating to game and wild bird protection, a gentleman, a resident of Freeland, Luzerne county, who has made a special study of the weasel and its habits, and who during that study covering a period of some twenty years or more has captured and killed something like two thousand animals of this kind. He tells me many things, that I never read of and never before heard of from any source. In Natural History I read that the weasel is an animal in many instances disposed to kill wherever it may be possible, simply because of its love to slaughter. Mr. Malloy tells me the weasel in every instance kills because it is hungry. He says, he has known of instance after instance where domestic fowls, chickens or ducks, turkeys, &c., have been killed in numbers ranging from two to three or twenty or more by a single weasel during a single night. That in very many instances all the blood was drawn from the body of the fowl killed and that within a limited time after the last killing he had in turn killed the weasel and invariably found the stomach empty. In cases where the fowls were confined when killed he has found in one corner of the coop or pen a pile of excrement, more in the form of coagulated blood than digested matter in slugs about an inch in length, and in circumference about that of an ordinary lead pencil. He tells me the weasel never rests, excepting at its own established home, that he has followed the tracks of these animals for many miles and has never known one to stop outside of its fixed abode, excepting for the purpose of killing. He has known one weasel to kill seven rabbits in a single night and has followed the tracks through the snow back to its established home, finding everywhere along the route these tell-take slugs of excrement. He says, he has frequently attempted to hold weasels in captivity and has never yet succeeded in keeping one longer than thirty-six hours without food, every one dying shortly after or about that time apparently of starvation. Upon one occasion he caught a weasel in a wire rat trap and speared the animal through the neck with a sharp steel rod, causing it to bleed to death. The creature lapped up its own blood until it fell dead. An examination made within a few minutes after death and while the body was still warm showed that the blood taken into the stomach had already left that organ and was in the intestines, all together going to show the wonderful digestive powers of the weasel, and its destructive disposition, no matter what its reason for killing might be, and showing beyond a doubt that vast numbers of lives of different kinds must be sacrificed to meet the demands of one single weasel alone. An examination of

the claims made upon this fund shows that one man, a resident of Huntingdon county received something like \$1,600 during one year for bounties. Investigation conducted from this office shows that the claim was justly made and that the applicant was entitled to every dollar he claimed. Remember that this bounty was placed upon but four animals and at the following rate: The weasel, one dollar, the mink, one dollar, the fox, two dollars; and the wild cat four dollars. One cannot but be lost in astonishment, when he considers the conditions in a county, where such a taking of scalps could be possible, and in considering the vast number of beneficial birds that were required to surrender their lives to support this crew. If our Naturalists and Zoologists are correct in their estimate of the value of bird life, it seems to me this appropriation of \$50,000 was money well expended, and I feel that the amount should be doubled by the next Legislature, thereby making it possible to cause the killing not only of the annual increase of this class of destroyers, but to make possible also the extermination of the original stock, and to keep it up from year to year until the bounty would be unnecessary. You, of course, understand that this Board had nothing whatever to do with the disbursement of this fund. For my part I consider the manner of its distribution as well planned as it possibly could be, and I call this subject to your attention, simply as a matter of information.

### RABBITS AND SQUIRRELS.

As a special result of the killing of weasels, wildcats and foxes, as well as of mink, rabbits appear to be quite abundant all over this State and large numbers have been killed by sportsmen. The arguments made last year against the early opening of the season are still continued and justly so, as it seems to my mind, the rabbit appears to occupy a niche peculiar to itself in the game world, supplying sport, recreation and a fair food supply to man, also serving as a buffer between hunters and game birds, for I am satisfied that the more plentiful the supply of rabbits the less birds will be hunted and the less will be killed.

First, because the majority of men prefer rabbit hunting to bird hunting; and secondly, because the crack of the rabbit hunter's gun and the running of his dog drives grouse and turkey and quail out of the open and into the thick cover, where the most expert shot finds it impossible to kill every time. The rabbit furnishes a food supply for wild carnivorous animals and birds, without which these creatures must turn to something more valuable, either wild or not. I have, for many years, claimed that the more plentiful the supply



of rabbits, the better it is for all game of higher order, and for domestic fowls. The disposition of the rabbit to move at night makes it an easy victim for the night prowler in the shape of foxes and wildcats and owls, and saves many a domestic fowl and valuable wild bird.

Squirrels of the gray, black and fox varieties, are decreasing in many sections of the State and increasing in but few places, more I think because of the destruction of their natural homes through the cutting of our heavy timber than from any other cause. These animals seem designed by Nature to live in trees above the earth, and when compelled through the cutting of our timber to seek other places of abode, either migrate or die. At least, they disappear, notwithstanding the presence of a food supply produced by small timber. Without a place of refuge above the earth the squirrel seems lost.

#### DEER AND BEAR.

Deer and bear are increasing rapidly. When the bill proposing the limit the killing of deer to a male deer with horns, and which afterwards became a law was first introduced I was opposed to the measure, as I was during the year 1904, at which time in my report to you I stated my reasons for opposing a bill of this kind. I thought that if a measure of this kind became a law it would be very apt to result in trouble to many men who otherwise intended to be honest. That because of the very thick underbrush found in the deer territory, the high bracken and rough country, it would be almost impossible to determine the sex of a deer until the deer had been killed. I preferred the making of an absolute closed season for deer, if protection to that extent was found to be necessary and I at once began a canvass of the Senate and House of Representatives relative to these matters. I also consulted sportsmen and other men who were in the habit of going into the woods during the deer season regarding their thought upon the subject and found that almost without exception the bird hunters, the rabbit hunters, the lumberman, the landowners, and the people generally who desired to go into the woods during the last two weeks of November, including many deer hunters, favored the passage of this measure. They argued that they as citizens of this Commonwealth had just as much right to be in the woods at that time, as had the deer hunter, and that under the then existing law there was not one moment of all that time that the life of any one of them was safe. They claimed that they, as human beings, were just as much entitled to protection as were deer. I found from statistics gathered by the Biological Survey at Washington, D. C., that forty-eight men had

been killed and one hundred and four wounded within the United States by deer hunters during the open season of 1906. I, therefore, refrained from opposing this bill before the Legislature and urged the Governor to sign it when it came before him. I am now satisfied this is one of the best measures ever placed upon the books of Pennsylvania, and consider that we have very many more honest hunters in Pennsylvania than those who are interested in the slaughter of deer would have us believe. I feel certain that no more deer have lost their lives in violation of law since the passage of this act, than would have been killed illegally during the same period had there been an absolute closed season. Some does have been killed, but nothing like the number I anticipated. I am confident the great majority of hunters respect this law. I know from personal experience and from conversation with deer hunters in different parts of the State that the lives of numbers of bucks were spared through the inability of the hunter to see the horns in time, and that hundreds of does were spared. It is of course a new idea and very trying to deer hunters in this State to hold their fire when a fine doe or a deer of any description stands in front of them. Yet this was almost invariably done, and the deer hunters of this State are entitled to credit for so doing. Some few violated the law, some by mistake, some deliberately. Some have already been punished, and more will be made to pay the penalty before the coming next season. From data collected I am satisfied that the number of bucks killed last year did not exceed one-fourth of the number of deer killed during the fall of 1906, and would not exceed two-thirds of the number of bucks killed during that season. I met many hunters who had seen does and young deer last year, but who failed to see a buck with horns. I saw several who saw bucks, but who failed to shoot, because the deer had disappeared about the time they decided to a certainty the sex of the deer. The great majority of deer hunters I have met last fall both during the season and since that time, although frequently disappointed in not securing a deer expressed themselves as satisfied with the law. The feeling of personal security surrounding each one apparently far outweighed any pleasure they might have derived through the killing of deer or any number of deer. I of course met some hunters who were violently opposed to this measure and I noticed that almost without exception the opponents of this law were men who did not realize the value of this act, as a preserver of human life, or a man whose sole desire was to kill, no matter what the result might be to others. Some of them actually giving expression to this sentiment. The number of deer killed in this Commonwealth during 1906 was in the

neighborhood of 800. Of this number, perhaps, 350 were bucks, and the remainder 450 were does. From positive reports received from several counties, not more than 200 bucks were killed last year, or at least during the past season throughout the entire State, and believe I am within bounds, when I say, that not more than thirty does will be found to have lost their lives. I am in receipt of many letters and statements indicating the number of does killed at far above that figure, but have been unable to establish the actual killing of but nine does. If these figures be correct and the same ratio of killing was followed as was last year we have spared to us 150 bucks and about 420 does, or 570 deer in all. The majority of does give birth to two fawns, so that I think an estimate of one and one-half fawns to a doe for this year would be fair and reasonable. Six hundred and thirty fawns added to 420 does and 150 bucks will give us 1,200 deer to start with this fall that we would not have had under the old law. This seems to be a good showing and one that would justify a continuance of this law, were its sole and only object to preserve and increase our deer; but as the chief purpose of this act was the preservation of human life and limb this addition to deer life in the State is only incidental. Still it means much.

I take pleasure in reporting to you that I have up to this time heard of the wounding by deer hunters, either accidentally or otherwise, of but one single individual in Pennsylvania during the past season (1907), and that was a father shot by his son in Monroe county, in direct violation of this law. I have not heard of the killing of anyone in Pennsylvania last year by deer hunters. I have heard that in two of our northern central states Michigan and Minnesota I think, something like twenty men were killed and more than that were wounded during the same period by deer hunters. This comparison speaks for itself. What the total number of killed or injured in the United States from this cause will aggregate remains to be demonstrated.

I understand that nearly, if not quite as many bear, as deer were killed in the State last fall, and also that there is considerable feeling in some sections of the State regarding the law giving protection to bear. I find first among these objectors, the man who desires to kill everything regardless of consequences. Next appears the timid man, who believes the unfounded stories he reads in the newspapers. Next comes the man whom, I think, does not understand his subject and who believes the black bear of Pennsylvania to be a ferocious and most destructive animal. My own experience, and what I have been able to gather from many hunters, leads me to believe that this is not the case. The weight of the combined evidence at my hands causes me to consider the bear more timid



and shy, than even a deer and satisfies me that upon the approach of human beings it will run more quickly and much further than will a deer or any other wild animal found in our forests. I have yet to meet one individual who will testify under oath that he knew of a single instance in which a black bear had, in this Commonwealth without provocation, attacked or injured human beings. There, of course, are instances where they have been compelled to put up battle for their lives or liberty. An old hen, or a mother grouse, or any little wild bird will defend itself or its young. A rabbit will, sometimes, bite a hand that is taking it from a box trap. Some bear may kill sheep or pigs. They may destroy some growing crops, but in my opinion the cases are so isolated as to amount to nothing. Some dogs will also kill sheep, and I firmly believe that dogs are really to blame for nine-tenths of the wrongs that are now charged to the bear. I know that many sheep are killed in counties, where there are no bear. I know too, that the hunting of bear is much more arduous than deer hunting, and that when a bear is secured, an animal of greater value than a deer has been taken. I think bear should be given additional protection and its killing should not be permitted between January 1st and November 1st of any year.

### AUTOMATIC GUNS.

In my report of last year will be found the following: "The new act forbidding the use of the automatic guns for the purpose of killing game in this Commonwealth seems to be a law in the right place, and is a very necessary and beneficial measure. It takes the power to kill out of the hands of many people, who are controlled only by their ability to slaughter. The claim that the daily or weekly bag limit is all that is necessary to secure good results, I know, and you know to be a farce. In many instances a measure extremely hard to enforce, and one little respected by many hunters. The chief opponent to this bill is the man who has guns of this character to sell, and who wants all the profit that can be secured regardless of consequences in the future. There are men in every community, who claim to be gentlemen and sportsmen who even under present conditions kill everything possible, so long as they see avenues of escape from punishment to them as individuals. The result of their work in the extermination of game or of injury to coming generations, receives no consideration at their hands. For instance, I have had reported to me this fall, that one man in the neighborhood of Harrisburg had boasted that he had wiped out an entire covey of quail killing the last bird. This covey was the progeny of the quail imported by the Game Commission at the expense of the State from Alabama; and demonstrates what such men will do when they have the power to do it."



This statement I desire to reiterate and to notify you that on January 11th, 1908, a warrant was issued at the instance of some person or persons to me unknown against one, Thomas McCoombs, a resident of Delaware county, charging a violation of the act forbidding the use of the automatic guns in this State for the killing of game or wild birds. A verdict of guilty appears to have been rendered by the justice or alderman, who tried the case and the defendant was sentenced to pay the penalty imposed by law for said offense. On January 14th of the same year, an appeal was taken to the Court of Quarter Sessions, and in February following argument was heard before said Court. Who represented the side of the State I do not know. Whether the Commonwealth was represented at all I am unable to say. On April 25th, 1908, an opinion was handed down by that Court deciding the act unconstitutional upon the ground that the verdict below was a discrimination against the makers of the automatic guns that deprived them of equal protection of the law guaranteed by the Constitution of the United States and of the State of Pennsylvania. The automatic gun I believe is made in Massachusetts.

Immediately after this ruling of the Court in Delaware county this State and country was flooded with circular letters calling attention of the sportsmen and dealers to the fact that a Court of Pennsylvania had pronounced this act unconstitutional. One of these circulars over the signature of the Treasurer of the company making this gun, calling attention to the before cited ruling and asked all persons who might be arrested for violating this act to, if possible, have the hearing continued until his Company could be notified. I received several copies of these circulars from parties in this State, who were anxious to understand the true situation, and one from far away California. I immediately took steps to carry this case to the Superior Court on appeal. In my answer to correspondents relative to this subject I claimed this defendant had been prosecuted at the instance of the manufacturers of this automatic gun; that a judgment had been secured without notice to the State, and that I was trying to have the matter heard upon an appeal, so that it might be finally and definitely settled to the satisfaction of all parties interested. Shortly afterwards I received a letter over the signature of some one who had added "President" to his name, and who wrote me that he, had read one of my letters in which I had accused his company of resorting to unfair methods in securing this decision; that his company was the sole manufacturer of these guns, and that I had best refrain from making such charges in the future. Since the receipt of this letter, which I have either mislaid or lost, the second circular to which I above refer was found in my mail and reads as follows:

M. HARTLY COMPANY, REMINGTON.  
 SOLE REPRESENTATIVES OF THE UNION METALLIC CART-  
 RIDGE CO.,  
 THE REMINGTON ARMS CO., 313-315 BROADWAY.

New York, June 3, 1908.

Dear Sir:

(and concluding in the following words):

"If there should be any other arrests of parties in the State of Pennsylvania for using the so-called automatic shot gun we hope the defendant will secure an adjournment and notify us of the matter at once.

"Very truly yours,

M. HARTLEY CO.,

"(Signed) G. W. JENKINS,

"Treasurer."

I need not comment to you upon the interest or connection of this Company to the case in question, but will report that it has been appealed, and will be argued before the Superior Court during the present month of November, 1908. A copy of the paper book upon the part of the appellant is now in my hands and is herewith attached. We await the ruling upon this subject and I will be controlled by your order regarding further appeal, if such a step be needed. This seems to be a most important case, involving as it does, a question of the right of the State to protect its game and its fish in such manner as to it may seem best, and the matter to my mind is one that should be thoroughly tested. For, if it be unconstitutional to say game may not be killed through the use of the automatic gun, because it interferes with the right of manufacturers, what is to prevent the use of other methods prohibited in the taking of game, or the use of spears or nets, etc., in the taking of fish, or even dynamite in the taking of fish. What is to become of our game and fish?

#### GAME PRESERVES.

The three game preserves that have been created under the provisions of the act of 1905, appears to be serving the purpose intended, that of providing a haven of refuge; into which game and birds of all kinds protected by the laws of the Commonwealth can retreat and can find peace and rest at all times. We have carefully guarded these retreats during the past season and I am pleased to say, that I know of no violation of the law relative to these inclosures. Many men, who had first opposed the setting apart of

these section under the impression that they would be used as private hunting grounds for politicians and their friends are now satisfied that the provision forbidding any and all men to hunt thereon means just what it says and that the Game Commission will surely see to it, that all offenders, no matter who they may be shall be prosecuted. In my opinion there is no better way of increasing the game conditions in this State than by this method, and I think the number of preserves in the Commonwealth should be increased as rapidly as possible. I am satisfied much better results can be secured through the restocking of areas such as are now authorized and where absolute protection is given throughout the entire year, than can be secured through breeding parks or preserves in which game of various kinds might be raised in captivity for later distribution or through the purchase of game from the outside, or in any other way. I am satisfied that game of almost every variety will breed to better advantage in a wild state than in captivity, and that if it is protected from vermin through the method recommended in the circular "Save Our Birds" before referred to, and from man through a consciencious enforcement of the law, a reasonable increase, is sure to follow. Inclement and unseasonable weather will, of course, affect the breeding of game in captivity quite as much, if not more than in its wild state, while disease is much more apt to lay its blighting shadows on animals or birds in confinement than where they are restricted in no way. So far as I have been able to learn the attempt to rear ruffed grouse or quail in captivity has not been crowned with any great measure of success, and that better returns are secured through the methods we have adopted.

The value of these preserves is to-day being proven and tested in a manner not considered at the time of their creation. As you are aware vast tracts of forest lands in this State have been burned over and destroyed by forest fires and game of all kinds has been driven into restricted territory, where were it not for something more than the ordinary game laws, it could and would be almost exterminated. Reports to me by those in charge of our preserves show that game of all kinds, rabbits and squirrels perhaps excepted, driven from the surrounding territory by fire has congregated within the limits of our lines, has congregated within this city of refuge, where it will have peace and rest until such time when it can again find food supply in the now devastated sections. The protection of these preserves from fire has been a most serious proposition to all parties interested, one requiring the most strenuous efforts possible upon the part of every man that could be mustered as a fire fighter by the Department of Forestry and to which Department too much credit cannot be given. As it is fully one-third of the Clearfield Preserve is reported destroyed. The fires in Clinton



county for many days threatened our preserves in that section, and came within a mile or so of our wire in many places. At some points it came nearer than that. The Franklin county preserve is still unharmed. I hope to be able to guard these preserves this fall so that nobody shall hunt therein, or shall be able to drive animals from within so that they can be killed outside.

### FOREST FIRES.

It is not my province to touch in this report upon the subject of forest fires, excepting in so far as they may affect game and wild birds, and with these subjects in mind think we are to be congratulated upon the fact that these fires severe as they have been have raged in the fall, instead of in the spring when birds were either hatching or when the young of game of all kinds would have been too weak to have escaped the flames. As it is, I believe, but little loss has been sustained by either birds or game, excepting perhaps rabbits and squirrels; and that while not many of either of these last two named animals were actually burned to death because of their ability to find safety either in the ground or in trees that were not burned, they must both suffer very materially. Many of them die because of the destruction of their food supply. This question of forest fires is one requiring the most serious consideration, and their origin, as well as conditions that make them possible, should receive the most careful consideration. Many of these fires are reported to have been started through the carelessness of hunters. Therefore, the remarks I have already made relative to the subject of opening the game season later than they are opened at the present time. The question of fairness or justice to any section of the State in the matter of when migratory game may be or may not be killed, to my mind is not to be considered, when compared with this question. If forestry is as important as it is claimed to be, it seems to me it is only an exercise of good judgment upon the part of the State to minimize the probability or the possibility of such fires by keeping careless and reckless men out of the woods as much as possible. Considering, of course, the statement hereinafter made that hunting is of grave import to our National welfare.

### HUNTING.

Hunting I consider a National necessity, and not simply recreation or pleasure. I hold that the American Volunteer with limited discipline and drill is the equal of any regular on the face of the Earth, simply because of his home training, simply because he knows before hand how to care for himself in the woods, on the

waters, day or night, and knows how to care for his gun. The State is constantly expending large amounts of money for various purposes, intended to benefit the people. Good roads, forestry, fish, the creation of parks, each one of them an incentive to outdoor exercise; pure air, better health and therefore better citizenship. I fail to understand why the same treatment is not accorded sportsmen. The Forestry Department tells me the number of permits that were issued last year were 435 and this year up to the 10th of November 463, to hunters desiring to camp upon State lands, and that they average about seven men to the permit, making a total of 3,045 men who camped upon State lands last year, and 3,241 for 1908. It is fair to assume that fully as many men have hunted or will hunt these lands without camping, going from their homes and returning the same day, or camping on adjoining lands and going on the State lands each day, making a total of 6,090 men, who last year, and 6,482 for this year, hunted upon State lands alone. We believe that more than 100,000 men hunted upon lands others than State lands during the past season, making an army of 106,000 and more men.

Considering this question of hunting in its many phases as a bulwark of defense in the time of need, as a source of recreation and forgetfulness of business cares, followed by good health, and therefore, better citizenship; considering the amount of game secured as a food supply, the vast number of predatory birds and animals that are killed by sportsmen and the consequent value of beneficial birds thus protected, I cannot understand why an amount equal, to or at least, a fair proportion of the amount that is given to other causes of no more importance should not be appropriated to the use of the man with the gun.

#### THE UNNATURALIZED FOREIGN BORN RESIDENT.

As I have repeatedly made report to you during the last number of years upon this subject, so I again reiterate that by far the greater number of cases of violation of our game laws reported to us during the past season, killing of game out of season, hunting on Sunday, killing song and insectivorous birds, is of wrongs done by the unnaturalized foreign born resident of this State, mostly Italians. From every section of this Commonwealth the same conditions are reported. We have had notices printed in Italian and in Slavish language containing the salient features of the game laws, and have them posted everywhere in sections where these people are found. Still the violations continue. As I have before made report that the news of an arrest of one of these people, with its consequent punishment, hardly travels beyond the limits of the

camp in which the offender made his home. In the hope of, as far as possible, taking away from these people the power to do wrong, believing that many of them were thus violating our laws because they did not understand either what the word "liberty" meant, often confounding it with "license" to do as they please, and that they did not understand the laws of this Country, forbade the killing of all song and insectivorous birds by anyone, I had a bill introduced in the Legislature of 1907, taking from this class of people the right to own or possess fire-arms in this State. That bill most unexpectedly to me met defeat. I feel that a second attempt along these same lines should be made, to have our Legislature understand the wrongs that are being done by these people, not only through the killing of our wild birds and game, but also through the many criminal actions accomplished only because they are in position to so accomplish it. I am informed that allegiance and protection are reciprocal. In other words, that no one is entitled to protection, excepting in proportion to his allegiance, and that the State has a right from a police standpoint to extend or deny privileges to men who are not citizens of this Commonwealth. There should be some way of reducing the number of wrongs done by people of this class through the use of guns. I feel perfectly satisfied that there is not a county in this Commonwealth in which these people have gathered to any great extent that has not had its costs through criminal actions multiplied time over time and with no compensating return to the State.

#### HOUK CASE.

On the second day of March, two years ago, one of our Wardens, Seely Houk, disappeared. On the 26th day of April following his body was found in the Mahoning river loaded with stones. An examination showed that Mr. Houk had been foully murdered by some one, and I was directed by your body, and the then Governor of this State, Hon. Samuel W. Pennypacker, to take this matter in hand, and if possible, secure the conviction of the man or men who had consummated this outrage. I take opportunity at this time to report to you the conviction of one, Rocco Racca, the man suspected of the killing of Seely Houk at the very beginning, and also the establishment through the evidence produced at this trial of a fact beyond question that this man was aided and assisted in the commission of this murder by his brother-in-law, an Italian now in Italy. I desire to report to you that at the time of the trial of this defendant the Commonwealth presented evidence, proving beyond the shadow of a doubt the existence of an organization founded in Italy more than 1,200 years ago and then known as the Order of Our Saviour,



later known as the Mafia. That this organization was formed for mutual protection of its members and that mutual protection extended to and covered them in the commission of any offense known to the law of any land, so long as the person wronged or injured is not a member of their organization. It was proven beyond a question of a doubt that this organization has spread to the United States and that there are many branches located in many parts of this Country, known in this Country to its members as the Order of Honor, and to the American as the Black Hand. The defendant himself admitted that he was a member of the Mafia in Italy; that he organized a branch of the same body in Hilltown, Lawrence county, Pa. He admitted that he was arrested and tried six times in his own country for various offenses ranging from petty larceny to assault and battery with intent to kill. Upon the part of the Commonwealth his record from Italy was introduced showing that he had been arrested and convicted thirteen times instead of six times.

In this trial it was proven that Mr. Houk, our officer, killed a dog belonging to this defendant; that when he learned his dog had been shot, he said: "Just as my dog died in the woods, so shall this man die." That later on he saw Houk along the railroad below his house, that he and his brother-in-law immediately took their guns and sought a position in the woods, to which position Mr. Houk was attracted by the firing of one of the guns. That they laid behind trees and that when the officer came in range of one of them, the brother-in-law fired a charge of slugs into Houk. After he had fallen this man Rocco Raceca sprang out, placed the muzzle of his gun almost in Houk's mouth and blew away the back of his head. That he was left lying where he fell until after dark, when the body was carried across the embankment of the railroad and deposited in the Mahoning river. That his rain coat was turned up over his head and loaded with stones, so that the body could not float and that it so remained until the water of this river had been reduced in the Spring and so clear that the body was readily seen. It was proven that shortly after the killing of Houk, Rocco Raceca was expelled from the organization for violation of some part of his oath relative to the treatment of other members. That immediately after this expulsion he set the wheels in motion to force his reinstatement, and in doing this called together a number of the men known as the members of the first class. It was proven that these men were called and came to New Castle and Hilltown from points in New York State, from points in Ohio, and from different points in Pennsylvania. Showing beyond the question of a doubt, that the Mafia or Black Hand is well established in at least three states in this Union. Some of these men came from New York City and from



other far away points, and the defendant was compelled to pay expenses amounting to about five hundred dollars. This defendant himself admitted in cross-examination, that the mutual protection extended to members of this organization covered the commission of any crime even that of murder, so long as the person wronged was not a member of their organization. We hope to be able to pursue and punish the brother-in-law now a resident of Italy, but understand that there is no extradition treaty with Italy and that to secure his punishment we must have the evidence in this Country taken before a Commission and carried into Italy where the matter will be heard and decided by one of their judges. The attorney for the defendant has filed reasons for a new trial, which I presume will be argued in due time, and that upon a refusal of the Court of a new trial the case perhaps will go to a higher Court or to the Board of Pardons. So that, while we have successfully travelled a long rough road to secure the point attained the end is not yet reached. I give it to you, as it stands.

#### STATE POLICE.

I cannot commend too highly the work of the men belonging to this organization or to urge upon you the necessity for increasing their force. While because of their extended duties covering many subjects I do not think it would be well to place the entire work of game protection in the hands of these men, as suggested by some, I have found their help of the very greatest value to my work, limited even as their number are to-day and I can see far better benefits through the assistance that would come, if an increase of that force was secured. I sincerely hope the coming Legislature will view this matter in the same light.

#### FORESTRY.

Upon this subject I reiterate what I have many times before said, that the work of this Department is of the very gravest and most serious value to this Commonwealth. Taking our game preserves and the forestry lands in Clinton county as an illustration I would say: This land, only through the most strenuous exertions has been saved to that part of the county wherein it is located. Many thousands of acres of land belonging to individuals has been burned over and the growing timber destroyed. That entire portion of the county would have been burned over had the land not belonged to the State of Pennsylvania, and had not the fires been fought in all directions by men in the State's employ and by men who were called to their aid through authority given by the State. It seems to me

that if never before a practical illustration of the benefit to be secured through State ownership has been given to the people. It seems to me that if never before the sportsmen of that region should and will appreciate the value of forestry ownership and of the creation of a preserve in which game can be saved at all times within that preserve.

### HIGH POWER GUNS.

I am in receipt of numerous complaints concerning the dangers arising from the use of the high power guns. The arguments being that because of thick undergrowth in Pennsylvania the hunter is not often able to see game or secure a shot at a greater distance than at which black powder would be effective and that therefore the use of high power guns is unnecessary. While we have been to a great extent relieved of danger to human life through the passage of the law compelling deer hunters to look before they shoot, there is still serious danger threatened by the use of this gun, and it should be prohibited in Pennsylvania. I give you this also as a subject under discussion by hunters and one upon which there may possibly be bills presented at the next session of the Legislature.

### WORK OF THE GAME COMMISSION.

I feel that considerable has been accomplished by the Game Commission during the year just passed, more through the education of the people, along correct lines, than from any other cause. There are many defects in the now existing laws that should be corrected. It has been my constant and persistent effort since I was called to fill the position I occupy to prevent even the semblance of persecution or unjust prosecution by any officer of the Commonwealth, under our control, and to especially prevent such persecution or prosecution for the purpose of collecting revenue. Some instances have occurred in spite of my endeavor to the contrary. I have recalled the commission of several men during the past year, whose work appeared to indicate that their purpose was directed more to the collection of dollars for their own profit than to the enforcement of the game laws, because of the value of bird life to the people. One of the especially erroneous features of the present law appears to be the method of transmitting penalties collected to the State Treasury. Under the present law money now collected under this head unless the prosecutor is a game protector go the county treasurers of the county in which the conviction was secured, and from there to the State Treasurer. This office is in no way apprised of the prosecution or conviction. Thus making possible all

manner of fraudulent actions upon the part of those who desire to either defeat justice or defraud the State.

For instance, a man kills a deer in violation of the law and fearing arrest goes to his friend, a justice of the peace, or an alderman, confesses to the officer and says, make no record of this thing unless some one raises the question. If they do then of course, I will pay the one-half of the penalty as fixed by law. The other half belongs to me as the informer or prosecutor. If no claim is made within the year the time fixed by law during which a prosecution might be brought, I will be entirely relieved and will have nothing to pay. Again the holding of moneys by justices for one cause or another has frequently come to my notice. Once I was compelled to cause the arrest of an alderman before he would pay over to the county treasurer the penalty I knew were in his possession. In another county I was compelled to write several letters to a county treasurer before he, as directed by law surrendered the money belonging to the State, that I knew was in his hands. So I might illustrate through many instances, the possible wrongs that come through existing laws. By saying that all convictions should at once be reported to the Game Commission at Harrisburg, and that all penalties thus collected should be at once returned to said Game Commission at Harrisburg, this feature would be entirely overcome, as the present law now compels this Board to make frequent reports to the State Treasurer of money coming into its hands. I am satisfied that much annoyance and many dollars would be save through such a procedure. To materially assist us in our work of educating the people I think it would be well to issue bulletins that may to us seem best upon such subjects as may bear upon our work.

### RECAPITULATION.

Because of the great value of the dove to agriculture as a destroyer of noxious seeds and the fact that their increase is limited to but two a year for each pair of adult birds, and the further fact that because of its being classed as a game bird its species is rapidly being decreased and will soon be exterminated. I feel that this bird should be returned to the list of birds given absolute protection in this Commonwealth.

Because of the serious loss to the State through forest fires, many of which were undoubtedly started by reckless and careless hunters and boys, and the fact too, that the value to all the people of the property destroyed including game through these said forest fires, far exceeding any value that might be secured by hunters or any right to take game of any kind, at any time. I would suggest that hunters as far as possible be kept out of the woods during that time,



when our forests are usually dry, or until the probability of fall rains have reduced at least this danger to a minimum, say from the first of January to the first of November.

Because of apparent changes in our seasons and the fact that cold weather with winter storms appear to be coming later in the fall than in years past and the fact that about the only privilege enjoyed at this time by the sportsmen and that could not be enjoyed under a later opening of the season, is the killing of woodcock and the further fact that only a part of the State would be so affected by a change in the law and that this splendid game bird is rapidly nearing extinction I would suggest that the season for all game, excepting wild water fowl, and shore birds, be open on the first day of November.

Because of the great wrongs committed not only through the killing of birds, but other wrongs against the peace and welfare of our Commonwealth at the hands of the unnaturalized foreign born residents through the use of guns, I feel the bill presented to the last Legislature through which we attempted to take from this class of people, either the right to own or possess a gun in this Commonwealth should again be presented to the coming Legislature and every effort be put forth to secure its passage.

Because of the great benefit to the Commonwealth and the Nation derived through hunting in that recreation, exercise and experience thus secured tends to better health, normal and physical, and therefore to better citizenship. In view of the fact that the more able our young men are to care for themselves, either by day or by night in our fields, in our forests or on the waters, and the more proficient they become in the handling of firearms, especially in their power to shoot straight the better soldiers they make. In view of the fact that our National hope, our bulwark of defense in the time of trouble from within as well as from without is the American Volunteer, to-day with limited discipline and drill the equal of any regular on the face of the Earth. In view of the fact that a Nation of hunters is always a Nation of accurate shooters, and that the reverse is always a most serious menace to success in the time of war,—I cite the late conflict in South Africa, the ability of Jackson's men to shoot at New Orleans, and the efficiency of our Pennsylvania troops, known as the Bucktails,—in the civil war, as example,—I feel that this State owes it to itself, owes it to its sportsmen who handle guns to generously supply an incentive to hunt in the shape of game. The importance of which to my mind means more than good roads, or fish, or parks, or State fairs or even forestry itself without game. An appropriation to my mind should be made for the purpose of restocking the State with such game as can be purchased.

Because of the splendid work done by the State Police in our line of work within the Commonwealth, and the great help given the cause of game protection through the presence of these men in a community, as well as through their energetic positive actions, I would like very much to see this force increased, so that a detail of at least ten men might be ordinarily located in each county of the Commonwealth.

Last but not least, I think it would be well to codify the game laws of this Commonwealth, placing all under a single title and place therein the many acts that are found on the statute books relating to game and wild birds, and which attend to annoy and confuse, rather than benefit.

#### FINANCIAL STATMENT.

I desire to state to you at this time that the condition existing at the time my last report to you was made through which by a ruling of the Auditor General it was considered that the appropriation given to us by the Legislature could only be used and applied to certain purposes, has been relieved through an opinion of the Attorney General reversing the decision of the Auditor General and giving us our money to use as we desire the purpose of game protection. These rulings were based upon the interpretation of the words contained in the general appropriation bill relating to the Game Commission. The Auditor General indicated at the time his ruling was made that he was perfectly willing to accept the interpretation that might be placed upon this section by the office of the Attorney General. Through the ruling of the Attorney General, we have been able to satisfy all of the claims of outstanding attorneys, to pay claims upon us for detective work in ferreting out the murder of Seely Houk and in other matters. Our debts of all classes are paid, and we have so handled the funds at our command as not to any serious degree affect our work outside. Every dollar collected since the bill directing such moneys to be turned over to the State Treasury has been so turned over. Our books as hereto lay upon the table and are open to public inspection upon any subject at all times.

Respectfully submitted,  
 JOSEPH KALBFUS,  
 Secretary of the Board of Game Commissioners.



## FINANCIAL STATEMENT.

From June 1st, 1907 to November 1st, 1908.

First Quarter of appropriation:

June 1st, 1907 to December 20, 1907.

### Dr.

To general appropriation, .....	\$3,000 00	
To balance in propagating fund, .....	1,662 99	
To fines and costs collected, .....	2,656 30	
To fines to use of Game Commission collected prior to June 1st, .....	120 00	
To fines returned from fish case, by mis- take, .....	25 00	
	<hr/>	\$7,464 29

### Cr.

By protectors expenses, and per diem services, .....	\$2,289 10	
By office expenses,—postage, express and janitor, merchandise not on schedule,..	668 72	
By attorney fees, .....	201 00	
By one-half fines returned to prosecutors,	842 50	
By fines deposited in State Treasury for use of Commonwealth, .....	1,371 82	
By expenses on preserve account, .....	959 27	
	<hr/>	6,332 41
		<hr/>
Balance cash on hand, .....		\$1,131 88
		<hr/> <hr/>

Fines in cash balance to be deposited in State Treasury, .....	\$340 16
Balance in preserve account, .....	703 72
General appropriation account overdrawn,	158 82
	<hr/> <hr/>

In the amount covering office expenses is an item of \$400.00 covering postage for mailing 10,000 game law pamphlets.

Second Quarter of appropriation:

December 20, 1907, to April 1st, 1908.

Dr.

To general appropriation, .....	\$3,000 00	
To balance in preserve account, .....	703 72	
To fines and costs on hand, .....	340 16	
To fines and costs collected, .....	863 84	
To fines on hand collected prior to June 1st, 1907, .....	85 00	
	<hr/>	\$4,992 72

Cr.

By protectors expenses and per diem services, .....	\$2,550 75	
By office expenses,—postage, express and janitor, .....	63 96	
By overpaid costs returned, .....	2 50	
By attorney fees, .....	150 00	
By one-half fines returned to prosecutors, .....	310 00	
By amount of fines deposited in State Treasury for use of Commonwealth,....	797 34	
By expense on preserve account, .....	81 45	
By amount overdrawn first quarter on general fund, .....	158 82	
	<hr/>	4,114 82
Balance, cash on hand, .....		<hr/> <hr/> \$877 90

Amount of fines in cash balance to be deposited in State Treasury, .....	\$235 75
Balance in preserve fund, .....	622 27
	<hr/> <hr/>

Through the system of depositing fines in State Treasury, certain moneys were deposited out the general fund, which makes our account overpaid out to the amount of \$65.12 which amount is lost to the use of the Commission.

## Third Quarter of appropriation:

April 1st, 1908, to July 25th, 1908.

## Dr.

To general appropriation, .....	\$3,000 00	
To balance in preserve account, .....	622 27	
To balance of fines from last quarter on hand, .....	235 75	
To fines and costs collected, .....	723 15	
To licenses and certificates, .....	60 00	
	<hr/>	\$4,641 17

## Cr.

By protectors expenses and per diem services, .....	\$2,559 68	
By office expenses,—postage, express and janitor, .....	110 04	
By attorney fees, .....	347 00	
By amount overdrawn last quarter, .....	65 12	
By one-half fines returned to prosecutors,	208 80	
By fines and costs deposited in State Treasury, .....	646 20	
By expenses on preserve account, .....	204 40	
	<hr/>	4,141 24

Balance cash on hand, .....	\$499 93	
Balance in preserve account, .....	\$417 87	
Fines and costs for deposit in State Treasury on hand, .....	156 60	
Amount overdrawn on general fund, .....	74 54	
	<hr/> <hr/>	

## Fourth Quarter of appropriation:

July 25th, 1908 to November 10th, 1908.

## Dr.

To general appropriation, .....	\$3,000 00	
To balance in preserve fund, .....	417 87	
To amount of fines on hand from last quarter, .....	156 60	
To amount of fines and costs collected,....	2,627 27	
To certificate fees, .....	25 00	
To cash paid out and returned on over- paid accounts, .....	3 47	
	<hr/>	\$6,229 21

## Cr.

By protectors expense and per diem services, .....	\$2,655 99	
By office expenses,—postage, express and janitor, .....	88 02	
By attorney fees, .....	260 00	
By amount overdrawn on general fund,..	74 54	
By one-half of fines returned to prosecutors, .....	644 63	
By amount of fines and costs deposited in State Treasury, .....	2,132 74	
By expenses on preserve account, .....	109 72	
	<hr/>	\$5,965 64
Balance cash on hand, .....		<hr/> \$263 57 <hr/>
Balance in preserve fund, .....	\$308 15	
Amount overdrawn, paid out on general fund, .....	78 55	
	<hr/>	<hr/>

P. S. All money paid out are accounted for to the Auditor General in vouchers taken and turned over to that office, audited and approved before each quarterly allowance is drawn.





ANNUAL REPORT  
OF THE  
GAME COMMISSIONERS

OF THE  
STATE OF PENNSYLVANIA,

ALSO A REPORT OF THE  
CHIEF GAME PROTECTOR  
TO THE COMMISSION

FOR  
THE YEAR 1908.

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